

**BOARD OF NURSING
MINUTES
March 10, 2005**

PRESENT: Marilyn Kaufmann, June Bahr, Terri Garcia, Peggy Heine,
Blaine Ropson, Kathleen Sullivan

EXCUSED: Jacqueline Johnsrud, Marie Kohlbeck

STAFF PRESENT: Kimberly Nania, Director of Health Service Professions; Colleen Baird,
Legal Counsel; Gina York, Bureau Assistant, and other DRL staff

GUESTS: Judith Warmuth, WHA; Gina Dennik-Champion, WNA;
Katharyn May, WACSN; Maria Yelle, UW-Madison and
37 Students observed

CALL TO ORDER

June Bahr, Vice Chair, called the meeting to order at 8:50 a.m. A quorum of six members present for today's meeting.

APPROVAL OF AGENDA

Additions to the Agenda:

- Open Session: Under Presentation of Proposed Stipulation Received After the Mailing of the Agenda – Add names Patricia Barrett, LPN; Darlene Miller, LPN; and Maria Zeinz, RN
- Closed Session: Under Deliberation of Proposed Stipulation Received After the Mailing of the Agenda – Add names Patricia Barrett, LPN; Darlene Miller, LPN; and Maria Zeinz, RN

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to approve the agenda of March 10, 2005 as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 27, 2005

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to approve the January 27, 2005 minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

BUDGET UPDATE WITH SANDRA ROWE, DEPUTY SECRETARY

Sandra Rowe, Deputy Secretary, provided an update regarding DRL budget issues. Ms. Rowe informed the Board that the IPP program is being retained. There have been some additional monies granted to the Department for the Systems Integration Project.

The Department has received information regarding additional cutbacks for the Department. The Governor's initiatives are to consolidate human resources functions and the legal office functions with the Department of Administration. This would mean that the legal staff in both DOE and Legal Services including the paralegals would go to DOA. The Department would then purchase legal services from DOA. At this time, Investigators and Intake Staff would stay at DRL. This would be an additional reduction of Department staff by twenty-eight (28) full time positions.

There will not be a licensure fee increase at this time. The Department has one year of timekeeping data now and will continue with this and look at the data for the next fiscal budget. The building renovations have been finalized and the project will now continue with the remodeling to begin shortly. Board vacancies are being addressed by Christopher Klein, Executive Assistant. Please let him know if you have any recommendations for him.

PRESENTATION OF PROPOSED STIPULATIONS

There were nine proposed stipulations before the Board at today's meeting. They were regarding the following individuals D'Ann M. Fletcher, RN (04 NUR 143); Shelly L. Holmes, RN (03 NUR 041); Alla Lisak, RN (02 NUR 212); Gretchen M. Macht, RN (04 NUR 68/172); Eric W. Pulley, LPN (04 NUR 162); Angie M. Slatter, LPN (04 NUR 137); Thomas C. Wekwert, RN (02 NUR 40, 02 NUR 139); Mary Spadafora, RN (03 NUR 157); and Bella Yelin, RN (02 NUR 212)

PRESENTATION OF PROPOSED STIPULATIONS RECEIVED AFTER THE MAILING OF THE AGENDA

There were three proposed stipulations received after the mailing of the agenda before the Board at today's meeting. They were regarding the following individuals Patricia Barrett, LPN; Darlene Miller, LPN; and Maria Zeinz, RN.

COPY OF COMMITTEE ASSIGNMENT LIST AND SCREENING PANEL SCHEDULE TO BOARD MEMBERS

A copy of the new Committee assignments and the screening panel schedule list was provided to all Board members at today's meeting.

DESIGNATION OF A GOOD WILL AMBASSADOR

The Board discussed appointing a goodwill ambassador and what that person's role would be in that capacity. The appointee would give recognition to health care institutions or individuals for outstanding achievements in nursing and this individual would provide reports to the Board on such activities.

MOTION: Blaine Ropson moved, seconded by Marilyn Kaufmann, to designate Kathleen Sullivan as the Board's Goodwill Ambassador. Motion carried unanimously.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

The Board reviewed the summary reports with Colleen Baird, Legal Counsel, at today's meeting. Attorney Baird provided an update on court cases and was available for questions and clarification.

MONITORING ISSUES AND REVIEW OF THE REVISED PROPOSED NEW IMPAIRMENT ORDER – ERIC CALLISTO

The Board reviewed the revised proposed new impairment order with Eric Callisto, Division of Enforcement Administrator, and provided input on this document. The Board discussed the specifics with Mr. Callisto in detail and it was agreed that all attorneys will use this new board order from this date forward. The Board took the following action.

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to adopt the document distributed by DOE at the March 10, 2005 meeting, as the uniform Board Order which will be used by all attorneys from this date forward. Motion carried unanimously.

INFORMATIONAL ITEMS

All informational items were noted by the Board at today's meeting.

REPORT WI NURSING REDESIGN CONSORTIUM

ADDITIONAL DISCUSSION REGARDING THE REDESIGN CONSORTIUM PROPOSAL

Marilyn Kaufmann reported that she and Terrie Garcia attended the Wisconsin Nursing Redesign Consortium meeting. The major topics discussed were staff recruitment and retention and the funding for the Center of Nursing. Some of today's visitors shared information and suggestions surrounding obtaining such funding for the development of the center. The Board appreciated the visitors input on this subject matter.

REPORT OF EDUCATION AND LICENSURE COMMITTEE

Marilyn Kaufmann reported to the Board that the Education and Licensure Committee reviewed the NCLEX Pass Rate Monitoring Report and reviewed two colleges materials submitted for consideration and approval. They are as follows with the Committee's recommendations:

NORTHLAND COLLEGE CURRICULUM AND COURSE APPROVAL

MOTION: Blaine Ropson moved, seconded by Terrie Garcia, to approve the clarification of curriculum, that the courses in cultural diversity and ethics be approved, and to approve the deletion of the microbes course from the required sequence for the nursing major. Motion carried unanimously.

Board's Action

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to accept all recommendations of the Education and Licensure Committee regarding Northland College to approve the clarification of curriculum, that the courses in cultural diversity and ethics be approved, and to approve the deletion of the microbes course from the required sequence for the nursing major. Motion carried unanimously.

MILWAUKEE AREA TECHNICAL COLLEGE, SIX MONTH SELF-EVALUATION OF PN PASS RATES

MOTION: Blaine Ropson moved, seconded by Terrie Garcia, to grant a twelve-month extension to Milwaukee Area Technical College and to request the submission of a self-evaluation report in one year. Motion carried unanimously.

Board's Action

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to accept all recommendations of the Education and Licensure Committee regarding Milwaukee Area Technical College to grant a twelve-month extension and to request the submission of a self-evaluation report in one year. Motion carried unanimously.

Board's Action

MOTION: Blaine Ropson moved, seconded by Peg Heine, to accept the report of the Education and Licensure Committee. Motion carried unanimously.

REPORT OF PRACTICE COMMITTEE

Blaine Ropson reported to the Board that there were no practice questions provided by Legal Counsel for the Committee to consider at today's meeting. The Committee reviewed the position paper titled "Nurses Practicing At A Level Below Their Licensure" submitted by Blaine Ropson and Colleen Baird for final review and approval.

There was also a discussion regarding other topics for position papers to be developed in the near future. The Committee took the following actions.

MOTION: Peg Heine moved, seconded by Terrie Garcia, to approve the position paper titled “Nurses Practicing At A Level Below Their Licensure” submitted at today’s meeting. Motion carried unanimously.

Board’s Action

MOTION: Marilyn Kaufmann moved, seconded by Terrie Garcia, to accept all recommendations of the Practice Committee regarding the approval of the position paper titled “Nurses Practicing At A Level Below Their Licensure” submitted at today’s meeting. Motion carried unanimously.

Colleen Baird and Blaine Ropson will send the finalized electronic document of this position paper to Kimberly Nania and Gina York for posting on the DRL Website.

**DISCUSS AND IDENTIFY POSITION PAPERS TO BE REVIEWED
FOR NEXT MEETING**

MOTION: June Bahr moved, seconded by Terrie Garcia, to develop a position paper titled “Options of Licensure Status” to be drafted by Kathleen Sullivan for the next Practice Committee meeting. Motion carried unanimously.

Board’s Action

MOTION: Blaine Ropson moved, seconded by Peg Heine, to accept all recommendations of the Practice Committee regarding the development of a position paper titled “Options of Licensure Status” to be drafted by Kathleen Sullivan. Motion carried unanimously.

Board’s Action

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to accept the report of the Practice Committee. Motion carried unanimously.

CONSULT WITH LEGAL COUNSEL

The Board consulted with Colleen Baird, Legal Counsel, throughout today’s meeting as needed.

REQUEST FOR BOARD SUPPORT FOR TECHNICAL AMENDMENT

Gina Dennik-Champion shared information with the Board regarding the status of LRB on clean up of legislation. The Board discussed the information and materials submitted at today's meeting. The Board will need more information and specifics on this topic. No action was taken at this time.

VISITOR COMMENTS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Kathleen Sullivan moved, seconded by Marilyn Kaufmann, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: June Bahr-yes, Marilyn Kaufmann-yes, Blaine Ropson-yes, Peggy Heine-yes; Terrie Garcia-yes; Kathleen Sullivan-yes.

Open Session recessed at 10:30 a.m.

RECONVENE INTO OPEN SESSION

MOTION: Blaine Ropson moved, seconded by Peg Heine, to reconvene into open session at 2:32 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to approve all decisions made in closed session. Motion carried unanimously.

IMPAIRED PROFESSIONALS PROGRAM (IPP)

None.

APPEARANCES BEFORE THE BOARD

JAMES PIPER, RN

MOTION: Peg Heine moved, seconded by Marilyn Kaufmann, to reaffirm the denial of reinstatement regarding James Piper, RN. Reason for Denial: Lack of relevant information. Motion carried unanimously.

REBECCA MCNEEL

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to grant a license to Rebecca McNeel upon her submission of a clear background check from the state of New York, proof of a clear New York nursing license, and she must submit a current application for RN licensure in Wisconsin. Motion carried unanimously.

C.A (LS 0501278 NUR)

MOTION: Blaine Ropson moved, seconded by Kathleen Sullivan, to rescind the administrative warning regarding C.A. and close case LS 0501278 NUR for insufficient evidence. Motion carried unanimously.

COSETTE GAGNER HAMILTON

MOTION: Blaine Ropson moved, seconded by Peg Heine, to deny the request for reinstatement of licensure regarding Cosette Gagner Hamilton. Reason for Denial: The Board does not have sufficient evidence she is fit to practice safely as a nurse. Motion carried unanimously.

MONITORING

REQUESTS FOR REINSTATEMENT OF LICENSURE

LISA RAMAGE

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to grant full licensure to Lisa Ramage. Motion carried unanimously.

REQUESTS FOR REINSTATEMENT OF STAY OF SUSPENSION

JACK GABOR

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to grant a three-month stay to Jack Gabor and to have one year added to his Board order. Motion carried unanimously.

RICHARD ROMER

MOTION: Blaine Ropson moved, seconded by Terrie Garcia, to deny Richard Romer's request for a stay for one month and to request a letter of explanation from him regarding his urine screens. Motion carried unanimously.

REQUESTS FOR THREE MONTH STAYS AND MODIFICATIONS

ANGELA HANAMAN

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to grant a three-month stay to Angela Hanaman with the modifications to reduce therapy to every other week and urine screens to be done weekly. Motion carried unanimously.

RANDALL PROCKNOW

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to grant a three-month stay to Randall Procknow with the modifications to reduce urine screens to thirty-one per year and a reduction in therapy to once per quarter. Motion carried unanimously.

REBECCA THOMAS

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to grant a three-month stay to Rebecca Thomas with the modifications to discontinue therapy and to grant her access, but no change in urine screens. Motion carried unanimously.

HOWARD BESSETTE

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to grant a three-month stay to Howard Bessette with the modification to terminate all therapy with Dr. Engel and Dr. Berg. Motion carried unanimously.

MOTION: Kathleen Sullivan moved, seconded by Peg Heine, to remove Dr. Engel from the Board's referral list. Motion carried unanimously.

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to remove Pam Montgomery from the Board's referral list. Motion carried unanimously.

POSSIBLE VIOLATION OF BOARD ORDER

JEAN GOTZMAN

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to suspend the license of Jean Gotzman for the period of one year and monitoring to refer this to DOE for a case to be opened. Motion carried unanimously.

DELIBERATION OF MONITORING RECEIVED AFTER MAILING OF AGENDA

None.

STIPULATIONS

D'ANN M. FLETCHER, RN

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of D'Ann M. Fletcher, RN. Motion carried unanimously.

SHELLY L. HOLMES, RN

MOTION: Kathleen Sullivan moved, seconded by Terrie Garcia, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Shelly L. Holmes, RN. Motion carried unanimously.

ALLA LISAK, RN

MOTION: Blaine Ropson moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Alla Lisak, RN. Motion carried unanimously.

GRETCHEN M. MACHT, RN

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Gretchen M. Macht, RN. Motion carried unanimously.

ERIC W. PULLEY, LPN

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Eric W. Pulley, LPN. Motion carried unanimously.

ANGIE M. SLATTER, LPN

MOTION: Blaine Ropson moved, seconded by Peg Heine, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Angie M. Slatter, LPN. Motion carried unanimously.

THOMAS C. WEKWERT, RN

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Thomas C. Wekwert, RN. Motion carried unanimously.

MARY SPADAFORA, RN (03 NUR 157)

MOTION: Blaine Ropson moved, seconded by Peg Heine, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Mary Spadafora, RN. Motion carried unanimously.

BELLA YELIN, RN

MOTION: Peg Heine moved, seconded by Terrie Garcia, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Bella Yelin, RN. Motion carried unanimously.

STIPULATIONS RECEIVED AFTER MAILING OF AGENDA

PATRICIA BARRETT, LPN

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Patricia Barrett, LPN. Motion carried unanimously.

DARLENE MILLER, LPN

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Darlene Miller, LPN. Motion carried unanimously.

MARIA ZEINZ, RN

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Maria Zeinz, RN. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

T.R.W. (03 NUR 111)

MOTION: Marilyn Kaufmann moved, seconded by Terrie Garcia, to issue an administrative warning to T.R.W. case 03 NUR 111. Motion carried unanimously.

M.R.J. (02 NUR 191)

MOTION: Kathleen Sullivan moved, seconded by Marilyn Kaufmann, to issue an administrative warning to M.R.J. case 02 NUR 191. Motion carried unanimously.

DELIBERATION OF ADMINISTRATIVE WARNINGS RECEIVED AFTER THE MAILING OF AGENDA

None.

PROPOSED VARIANCE DECISIONS

LYNN M. MARILYN EGGEBRAATEN, RN

MOTION: Marilyn Kaufmann moved, seconded by Terrie Garcia, to approve the proposed decision and order with the variance that includes the newly approved version of the impairment order regarding Lynn M. Marilyn Eggebraaten, RN, case LS 0403171 NUR. June Bahr was not present during deliberation or voting. Abstained – June Bahr. Motion carried.

PROPOSED FINAL DECISIONS AND ORDERS RECEIVED AFTER MAILING OF AGENDA

None.

DIVISION OF ENFORCEMENT & CASE STATUS REPORT

- MOTION:** Marilyn Kaufmann moved, seconded by Peg Heine, to close case **04 NUR 368** for insufficient evidence. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by Marilyn Kaufmann, to close case **02 NUR 179** for no violation. Motion carried unanimously.
- MOTION:** Blaine Ropson moved, seconded by Marilyn Kaufmann, to close case **02 NUR 220** for insufficient evidence. Motion carried unanimously.
- MOTION:** Blaine Ropson moved, seconded by Peg Heine, to close case **02 NUR 195** for P1. Motion carried unanimously.
- MOTION:** Peg Heine moved, seconded by Marilyn Kaufmann, to close case **03 NUR 144** for P7. Motion carried unanimously.
- MOTION:** Peg Heine moved, seconded by Kathleen Sullivan, to close case **02 NUR 073** for P3. Motion carried unanimously.

(Special notation: Referred to Med Board)

- MOTION:** Peg Heine moved, seconded by Marilyn Kaufmann, to close case **04 NUR 025** for no violation. Motion carried unanimously.
- MOTION:** Peg Heine moved, seconded by Terrie Garcia, to close case **04 NUR 028** for no violation. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by Peg Heine, to close case **04 NUR 306** for insufficient evidence. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by Peg Heine, to close case **04 NUR 307** for insufficient evidence. Motion carried unanimously.
- MOTION:** Terrie Garcia moved, seconded by Peg Heine, to close case **02 NUR 117** for prosecutorial discretion. Motion carried unanimously.
- MOTION:** Blaine Ropson moved, seconded by Terrie Garcia, to close case **03 NUR 121** for P2. Motion carried unanimously.

OTHER BOARD BUSINESS

The Board discussed the budget report provided by Deputy Secretary Sandra Rowe earlier in today's meeting and the information shared regarding a possible consolidation of Legal Counsel staff with another Department which could affect their availability to the Board. After some discussion the Board took the following action.

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to designate Blaine Ropson to draft a letter to Deputy Secretary Sandra Rowe regarding legal counsel staff consolidation and the importance of having legal counsel at Board meetings. Motion carried unanimously.

ADJOURNMENT

MOTION: Blaine Ropson moved, seconded by Peg Heine, to adjourn the meeting at 2:58 p.m. Motion carried unanimously.